



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------------|
| 10/581,626 | 04/06/2007 | Robert Geilenkirchen | 022862-1108-00 | 3951 |
| 34044 7590 04/06/2009 MICHAEL BEST & FRIEDRICH LLP 100 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202 | | | EXAMINER CHIN, HUI H | |
| | | | ART UNIT 1796 | PAPER NUMBER |
| | | | MAIL DATE 04/06/2009 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,626

Applicant(s)

GEILENKIRCHEN, ROBERT

Examiner

HUI CHIN

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/82)
Paper No(s)/Mail Date 6/5/2006, 2/23/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Paragraph [0017]: "The different" is suggested to be changed to – The difference --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5, 8, 10, 12-15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hong et al. (US 20040010069).

Hong et al. disclose a rubber composition comprising a rubber, a carbon black filler or a mixture of two or more carbon black, and plasticizing oils, wherein this composition can be used for windshield wiper blade (claims 1, 4, 15, and 33).

The limitations of claims 2 and 12 can be found in Hong et al. at claim 4, where it discloses the mixture of furnace black and thermal black.

The limitations of claims 3 and 13 can be found in Hong et al. at claim 13, where it discloses the 30 to 90 parts by weight of filler.

The limitations of claims 4 and 14 can be found in Hong et al. at claim 15, where it discloses the plasticizing oils.

The limitations of claims 5 and 15 can be found in Hong et al. at claim 3, where it discloses the SBR.

The limitations of claims 8 and 18 can be found in Hong et al. at Table II, where it discloses the formulation without calcium oxide.

The limitations of claim 10 can be found in Hong et al. at claim 33, where it discloses the windshield wiper blade.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7 and 16-17 are rejected under 35 U.S.C. 103(a) as obvious over Hong et al. (US 20040010069) in view of Faulkner (US 20020099142).

The disclosure of Hong et al. is adequately set forth in paragraph 3 and is incorporated herein by reference.

However, Hong et al. are silent on the specific rubber fractions which differ in viscosity.

Faulkner discloses an elastomer composition comprising two phases which have different viscosities (claim 1, Table 3) to achieve a better control of the reaction process ([0033]). In light of such benefit, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the composition with the specific rubber fractions which differ in viscosity with the expected success.

The limitations of claims 7 and 17 can be found in Faulkner at Table 3, where it discloses the Mooney viscosity of 19 to 56.

6. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as obvious over Hong et al. (US 20040010069) in view of Tsuda (JP 09071699).

The disclosure of Hong et al. is adequately set forth in paragraph 3 and is incorporated herein by reference.

However, Hong et al. are silent on the material free of zinc oxide.

Tsuda discloses a rubber composition comprising EPDM and carbon black and is free from metal oxide to provide stable volume resistivity for applications in office automation instruments (abstract, claim 10). In light of such benefit, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the composition without the zinc oxide with the expected success.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as obvious over Hong et al. (US 20040010069) in view of Geilenkirchen et al. (US Patent 6,195,833).

The disclosure of rubber composition by Hong et al. is adequately set forth in paragraph 3 and is incorporated herein by reference.

However, Hong et al. are silent on the different rubber materials to be used in different parts of the wiper blade.

Geilenkirchen et al. disclose a wiper blade comprising head part is made of CR and wiper lip is made of BR to provide smooth head part for easy insertion and better wear resistance from the wiper lip (claim 9, col. 2, lines 64-67, col. 3, lines 4-7). In light of such benefit, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the composition with the different rubber materials for different parts of the wiper blade with the expected success.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUI CHIN whose telephone number is (571)270-7350. The examiner can normally be reached on Monday to Friday; 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ling-Siu Choi/
Primary Examiner, Art Unit 1796

/HC/